IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 8465 of 2005(G)

PETITIONER:

K.O.ABRAHAM, KALATHIVILA VEEDU,
ERAVICHIRA EAST, SOORANADU SOUTH, KUNNATHOOR.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
KOLLAM, REP. BY ITS SECRETARY.

2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, KOLLAM.

3. THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C., KOLLAM.

4. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

BY ADV. SRI.T.RAVIKUMAR, SC, KSRTC
SHRI.JOHNSON P JOHN, SC
SMT.R.BINDU, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 8465/2005

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 19/8/2004.

P2 : COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 28/9/1998.

P3 : COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 25/1/2003.

P4 : COPY OF THE APPEAL MEMORANDUM AS MVAA NO. 770/2004 FILED BEFORE THE 4TH RESPONDENT DATED 01/141/2004.

P5 : COPY OF THE JUDGMENT OF THE STAT, ERNAKULAM IN MVAA NO.324/2003 DATED 15/9/2004.

P6 : COPY OF THE JUDGMENT OF THE STAT, ERNAKULAM IN MVAA NO. 770/2004 DATED 14/1/2005.

RESPONDENT'S EXHIBITS

R3(a) : COPY OF KOLLAM – ALAPPUZHA SCHEME DATED 23/11/1960.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 8465 of 2005 G

Dated, this the 28th day of March, 2007

J U D G M E N T

Petitioner is challenging Ext.P1 order of the RTA, rejecting petitioner's application for extension of route permit from Puthiyakavu to Vallikkavu through Karunagappally High School Junction, which is confirmed by STAT vide Ext.P6 order in appeal. I heard the counsel appearing for the petitioner and the counsel appearing for KSRTC. The case of the petitioner is that the two points in the existing route touching the National Highway is apart only by a distance of 2 kms. Counsel for the KSRTC contended that route variation cannot be granted over two points in the notified scheme. According to him Puthiyakavu and Karunagappally High School Junction are in the total exclusion route of Alappuzha – Kollam scheme and therefore petitioner was rightly declined variation of permit. However petitioner produced Ext.P2 general order of the RTA, Kollam and Ext.P3 order granting renewal of permit to another operator by RTA, Kollam whereunder it ignored the objection in the route connecting two intermediate points with a short distance of 2 kms. Petitioner is at present operating from

Pathanapuram to Puthiyakavu and the extension sought for is not mainly on the National Highway i.e. not through notified route but to a different direction up to Vallikavu, where Mata Amritanandamayi Math is situated to which lot of devotees are travelling daily. The view of the RTA in Exts.P2 and P3 appears to be quite reasonable because 2 kms. violation in the notified scheme is not going to affect the KSRTC and therefore RTA ignored it and granted variation in that case as is clear from Ext.P3. In the circumstance I feel this matter should be reconsidered by the RTA with reference to their policy decision, Ext.P2 and specific decision in Ext.P3. WP(C) is accordingly disposed of vacating the orders of the STAT and of the RTA with a direction to the RTA to reconsider the matter in the light of Exts.P2 & P3 decisions taken by them within a period of six weeks from the date of production of a copy of the judgment by the petitioner.

This WPC is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

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